

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
Charleston, South Carolina 29403-5107

and
THE S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
Office of Environmental Quality Control
Water Quality Certification and Wetlands Programs Section
2600 Bull Street
Columbia, South Carolina 29201

REGULATORY DIVISION
Refer to: P/N #.

October 26, 2007

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1344), the South Carolina Coastal Zone Management Act (48-39-10 et seq.), and the S.C. Construction in Navigable Waters Permit Program (R. 19-450, et seq., 1976 S.C. Code of Laws, as amended), an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

DANIEL ISLAND MARINA LLC
669 MARINA DR.
CHARLESTON, SOUTH CAROLINA 29492

for a permit to revise the configuration of an existing permitted marina in

CLOUTER CREEK

at 669 Marina Dr., in Charleston, Berkeley County, South Carolina (Latitude: 32.88936; Longitude: -79.93576)

In order to give all interested parties an opportunity to express their views

NOTICE

is hereby given that written statements regarding the proposed work will be received by both of the above mentioned offices until

12 O'CLOCK NOON, MONDAY, NOVEMBER 26, 2007

from those interested in the activity and whose interests may be affected by the proposed work.

The proposed work consists of revising the configuration of an existing permitted marina. The existing marina structure consists of the following; (from north to south) 1. An 8' x 252' floating walkway, connected to a 6' x 283' floating walkway, both running parallel with the uplands. 2. Six (6) 4' x 30' finger piers, each attached to the 8' x 252' walkway. 3. Two (2) T-head dock structures attached to the 6' x 283' walkway, each consisting of a 6' x 118' walkway with five (5) associated 3' x 24' finger piers and two (2) 6' x 24' finger piers located at the water ward end on the walkway. 4. A staging dock consisting of an 8' x 118' walkway, three (3) 3' x 24' finger piers (with a covering over the section in between the two most water ward finger piers) and a 6' x 24' finger pier at the water ward end on the walkway. 5. A staging dock consisting of an 8' x 97' walkway, a 3' x 27' finger pier, a 3' x 23' finger pier, a 3' x 18' finger pier and a 3' x 14' finger pier.

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The modification of the marina includes; (from north to south) 1. The removal of two (2) of the six (6) 4' x 30' finger piers. 2. The removal of the two T-head dock structures, and the replacement of these structures with eight (8) 3' x 24' finger piers. 3. Alteration of the northern most staging dock will result in a structure consisting of; an 8' x 85' floating walkway with three (3) associated 3' x 24' finger piers (with a covering over the section in between the two most water ward finger piers). Connected to this floating dock and running parallel to the uplands will be a 6' x 276' walkway, with eight (8) 4' x 30' finger piers. The southern most staging dock will remain unaltered.

The purpose of the modification is to reconfigure the dock structure in order to allow for easier navigation for the intended users of the marina.

NOTE: Plans depicting the work described in this notice are available and will be provided, upon receipt of a written request, to anyone that is interested in obtaining a copy of the plans for the specific project. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided for mailing the drawings to you. Your request for drawings should be addressed to the

**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
69A Hagood Avenue
Charleston, South Carolina 29403-5107**

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the South Carolina Department of Health and Environmental Control in accordance with provisions of Section 401 of the Clean Water Act. As such, this notice constitutes a request, on behalf of the applicant, for certification that this project will comply with applicable effluent limitations and water quality standards. The work shown on this application must also be certified as consistent with applicable provisions of the Coastal Zone Management Program (15 CFR 930). The District Engineer will not process this application to a conclusion until such certifications are received. This activity may also require evaluation for compliance with the S.C. Construction in Navigable Waters Permit Program. State review, permitting and certification is conducted by the S.C. Department of Health and Environmental Control. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review. Persons wishing to comment or object to State certification or the navigable waters permit must submit all comments in writing to the S.C. Department of Health and Environmental Control at the above address within thirty (30) days of the date of this notice.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed dock modification will result in an overall structure that would impact 0.214 acres of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. The existing dock structure presently impacts 0.217 acres of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

Pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended), the applicant has provided a protected species survey for the property associated with the activity described above. Based upon this report, the District Engineer has determined that the project is not likely to adversely affect any

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Federally endangered, threatened, or proposed species or result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request for written concurrence from the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service on this determination.

Pursuant to Section 106 of the National Historic Preservation Act (NHPA), this public notice also constitutes a request to Indian Tribes to notify the District Engineer of any historic properties of religious and cultural significance to them that may be affected by the proposed undertaking.

In accordance with the NHPA, the District Engineer has also consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. To insure that other cultural resources that the District Engineer is not aware of are not overlooked, this public notice also serves as a request to the State Historic Preservation Office to provide any information it may have with regard to historic and cultural resources.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

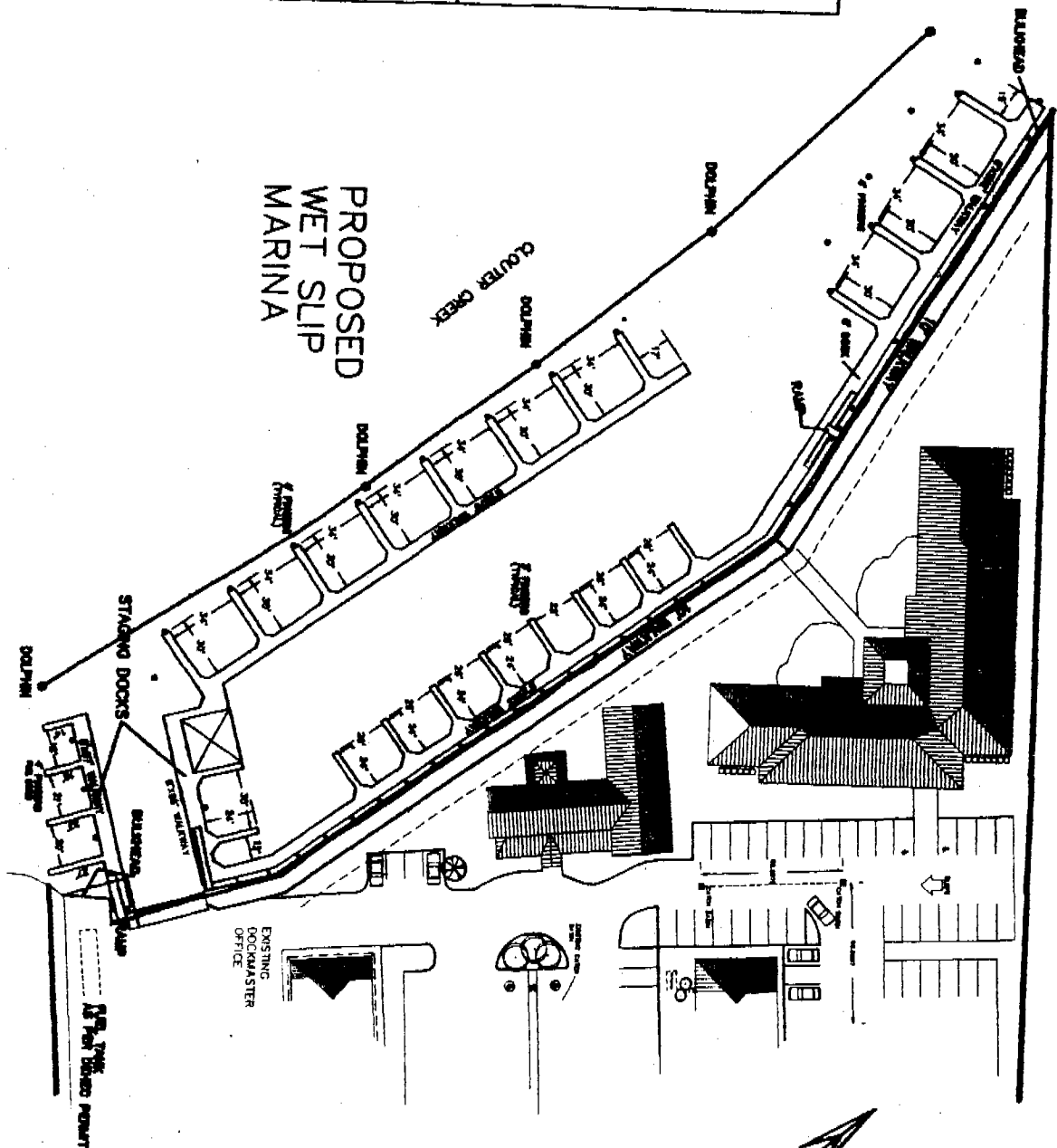
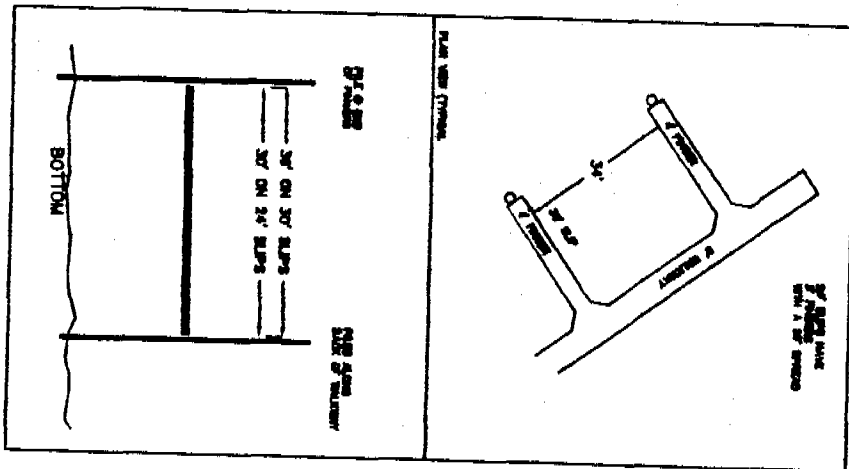
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps of Engineers cannot undertake to adjudicate rival claims.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

If there are any questions concerning this public notice, please contact Robert Vega at 843-329-8044 or toll free at 1-866-329-8187.

Steve Brooks
Project Manager
ECDHCC-OCRM

JOHN R. WATKINS JR., PRES.
POST OFFICE BOX 686
ISLE OF PALMS
SOUTH CAROLINA
29461
(845) 868-0208
FILE 279-08



PROPOSED
WET SLIP
MARINA

**PROPOSED
DATING, HILLAND MARIONA**

CUSTOMER CHECK

1849

SOUTH CAROLINA

DATE RECEIVED BY: 27, 2007

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1"=80'

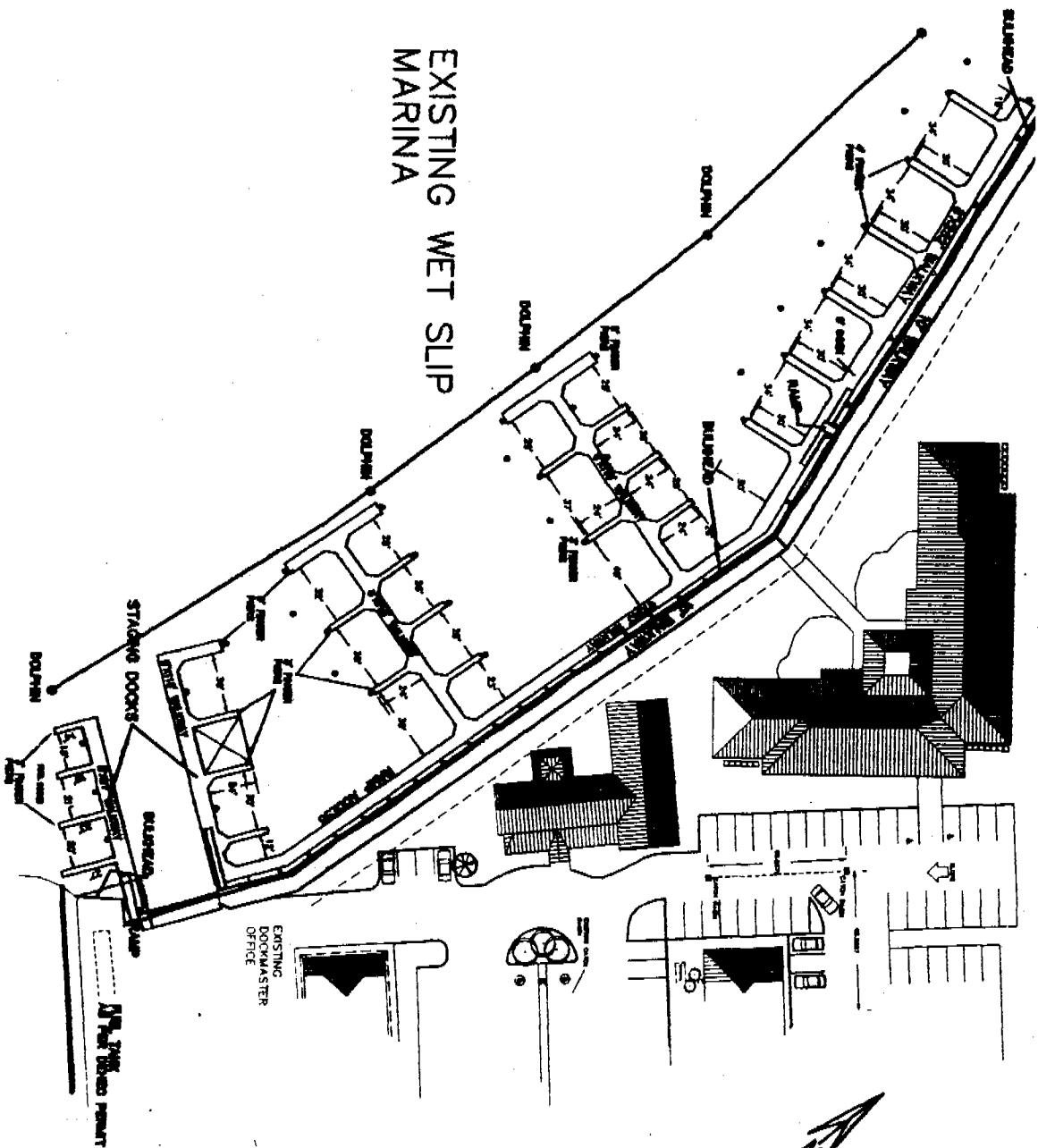


EXISTING
DOCKMASTER
OFFICE

[Signature]
 HON. J. W. H. H. H.
 H. H. H. H. H.

JOHN E. VAUGH JR., INS
POST OFFICE BOX 886
MILE OF PALMS
SOUTH CAROLINA
29481
(843) 886-8888
FILE 279-06

EXISTING WET SLIP MARINA



EXISTING
DANGER, BEYOND MARINA
CLOUTIER CREEK
LOCATED IN
BERNARD COUNTY
SOUTH CAROLINA
DATE: MARCH 27, 2007



1" = 80'



John E. Vaughn Jr.
JOHN E. VAUGHN JR.
INS
SOUTH CAROLINA
29481